

# **EXHIBIT**

# **15**

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

TRAVELERS CASUALTY AND SURETY COMPANY as  
Administrator for RELIANCE INSURANCE  
COMPANY.

**Plaintiff,**

- a g a i n s t -

DORMITORY AUTHORITY-STATE OF NEW YORK, TDX  
CONSTRUCTION CORP. and KOHN PEDERSEN FOX  
ASSOCIATES, P.C.,

Defendants.

Case No. 08-CV-6915 (DLC)

(CAPTION CONTINUED)

July 8, 2008

10:06 a.m.

DEPOSITION of NICHOLAS  
D'AMBROSIO, taken by Plaintiff, pursuant  
to Notice, held at the offices of  
HOLLAND & KNIGHT LLP, 195 Broadway, New  
York, New York before Wayne Hock, a Notary  
Public of the State of New York.

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N. D'Ambrosio

Q. And what is the job description of a chief project manager?

A. It's to manage multiple projects. It's a program manager on multiple projects that I manage and oversee.

Q. So it's more than one project?

**A.      C o r r e c t .**

Q. Are there a set number of projects that you manage?

A. No.

Q. And are there other chief project managers?

A. Yes.

Q. How many chief project managers are there?

A. I don't know.

Q. Did you hold that title throughout the duration of the Baruch project?

**A.**                    **No.**

Q. When was your first involvement with Baruch?

## A. From the beginning.

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N. D'Ambrosio

Q. And when you say, "from the beginning," does that include prior to the design phase?

A. Yes.

Q. So before KPF is brought onboard?

A. I don't understand that question.

Q. From the beginning of the project meaning the conceptual beginning of the project with CUNY approaching DASNY to work in connection with it?

A. I wasn't involved with that.

Q. What was your job title at the beginning of the Baruch project?

A. Senior project manager.

Q. And as senior project manager, what were your responsibilities?

A. It was the same as the program manager.

Q. And specifically in connection with Baruch, what were you vested with the responsibility for doing?

A. To manage the process to build

1 N. D'Ambrosio

2 Q. Was there any point in time  
3 where you were working exclusively on  
4 Baruch?

5 A. Yes.

6 Q. When was that?

7 A. Probably -- I don't remember,  
8 but it's probably when construction  
9 started, maybe before that. The other  
10 jobs were phasing out so just if you want  
11 a date, I don't know what that date is.

12 Q. When the other projects had  
13 phased out and you were working on Baruch,  
14 did there come a point in time when you  
15 were also managing other projects as well  
16 as Baruch?

17 A. No.

18 Q. And is there a point in time  
19 when you were no longer working on the  
20 Baruch project?

21 A. Yes.

22 Q. When is that?

23 A. When we turned the building over  
24 to the client.

25 Q. Was that in 2002?

1 N. D'Ambrosio

2 A. I believe it was 2001.

3 Q. At that point in time, Mr.  
4 D'Ambrosio, what was your next project  
5 that you went to?

6 A. That's when I got promoted to  
7 chief and I went into the hospital  
8 program.

9 Q. After the building was turned  
10 over, did you have any further involvement  
11 in the Baruch project?

12 A. None whatsoever.

13 Q. And that would include even  
14 meetings with DASNY to discuss the floor?

15 A. Correct.

16 Q. Prior to your administrative  
17 responsibilities, did you ever perform  
18 actual construction work in the field?

19 A. No.

20 Q. With respect to the terrazzo and  
21 the flooring aspects of the Baruch  
22 project, did you have any responsibilities  
23 that were particular to that?

24 A. I'm not sure what that -- the  
25 question is.

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N. D'Ambrosio

of its contractual obligations to assist with monitoring KPF's contractual obligations?

A. Not to my knowledge.

Q. And I don't want to mischaracterize what you said, Mr. D'Ambrosio, so just to clarify it, to your knowledge, during the time frame that you were affiliated with the project, you were not aware of any flooring problems?

A.      **Correct.**

Q. To the best of your knowledge, when did KPF first become aware that the floor slabs were out of tolerance, the concrete slabs?

A. I would guess after they were poured. That makes sense.

Q. And do you know who provided that information to KPF?

A. That probably would have been our CM.

Q. Did you have any -- in connection with Trataros, did you have any interactions with Trataros' subcontractors

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N. D'Ambrosio

2 in connection with the flooring aspects of  
3 the project?

4 MR. SHAPIRO: I'm going to -- I  
5 just want to clarify here.

6                   When you're talking about  
7                   flooring problems, I think Mr.  
8                   D'Ambrosio was thinking terrazzo  
9                   flooring problems. If you have a  
10                  different understanding --

11 Q. I understood you to mean -- just  
12 so we both have the same understanding,  
13 during the project time frame, you're not  
14 aware of any terrazzo issues or terrazzo  
15 problems: is that accurate?

16 A. Correct.

17 Q. During your involvement with the  
18 project, did you have any interactions  
19 with Trataros' subcontractors in  
20 connection with the flooring portions of  
21 the project?

22 A No

23 Q. And that would include GM  
24 Crockett?

25 A. Correct

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N. D'Ambrosio

A. When I left, I was the chief.

Q. In connection with the Baruch project, you were the project manager?

A.      **Correct.**

Q. And you had that job until what, August, September of '01; is that correct?

A. Yeah, somewhere around that.

Q. And you had been the project manager for Baruch continuously up to that point from at least when construction work started?

A. Yes.

Q. Construction work included the work that was done before the Trataros contract?

A. Yes.

Q. Could you briefly give us a brief rundown of exactly the type of activities that you would do as part of your job as construction manager for Baruch

A. Okav

In hopefully a few words or less, but it's basically the overall

1 N. D'Ambrosio

2 Q. You mentioned McCullough.

3 McCullough is a TDX guy; is that  
4 correct?

5 A. McCullough is a construction  
6 manager for TDX, yes.

7 Q. When you left the Baruch project  
8 in September of '01, how far along was the  
9 project at that point?

10 A. The job was occupied.

11 Q. The flooring was in, the  
12 finished flooring?

13 A. Yes.

14 Q. What did it look like?

15 A. It looked great.

16 Q. As far as you know when you  
17 left, there were no complaints about the  
18 finished flooring?

19 A. That is correct.

20 Q. And you, yourself, never  
21 observed any terrazzo that looked bad to  
22 you as of the time you left?

23 A. No, I did not.

24 Q. What is this camber that we  
25 heard about?

1 N. D'Ambrosio

2 -- I can't remember that far -- that date.

3 I can't.

4 Q. So you have no recollection?

5 A. No.

6 Q. To your knowledge, did there  
7 come a time when, on behalf of DASNY or  
8 TDX, that Trataros was placed on notice  
9 that it would be held responsible for  
10 problems associated with the terrazzo  
11 flooring?

12 A. Not to my knowledge.

13 MR. SIMON: I've not nothing  
14 further.

15 MR. HALL: I have just a couple  
16 of quick questions.

17 EXAMINATION BY

18 MR. HALL:

19 Q. Mr. D'Ambrosio, my name is Mark  
20 Hall. I represent Ohio Casualty Insurance  
21 Company.

22 In the late winter/spring of  
23 2001, you were the project manager on this  
24 job?

25 A. Late?

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N. D'Ambrosio

Q. Late winter/spring of 2001,  
February, March, April.

A. Yes.

Q. In that capacity, would you have expected to receive reports of the terrazzo flooring delaminating?

MR. SHAPIRO: Objection.

You can answer.

A. Would I have -- if it was yes.

Q. Would you have expected to receive reports that the terrazzo had failed to the point where it had to be removed and replaced?

MR. ZICHELLO: Objection to form.

Q. You can answer the question

MR. SHAPIRO: Yes

A. Yes.

Q. Do you have any personal recollection of receiving any reports in that time frame about the terrazzo failing?

A. No.

Q. Early you indicated that, prior to working for DASNY, you spent

## CERTIFICATION BY REPORTER

I, Wayne Hock, a Notary Public of the State of New York, do hereby certify:

That the testimony in the within proceeding was held before me at the aforesaid time and place;

That said witness was duly sworn before the commencement of the testimony, and that the testimony was taken stenographically by me, then transcribed under my supervision, and that the within transcript is a true record of the testimony of said witness.

I further certify that I am not related to any of the parties to this action by blood or marriage, that I am not interested directly or indirectly in the matter in controversy, nor am I in the employ of any of the counsel.

IN WITNESS WHEREOF, I have hereunto set my hand this 11<sup>th</sup> day of July, 2008.

Wayne Hock

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